

**Remarks**

**Allowable Subject Matter**

Applicants acknowledge the Examiner's indication that claims 1-15 are allowed.

**Claim Rejections**

Claims 16-20 stand rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 5,423,457 to Nicholas et al. (hereafter "Nicholas"). Applicants submit that Nicholas does not teach or suggest the limits of independent claim 16, as amended. Nicholas does not disclose a method that relates tank volume to product height. To the contrary, Nicholas relies on "automatic tank gauge system 34, [as] representing the volume of the tank at a given point during the day." (col. 13, lines 29-31). Because claims 17-20 depend from claim 16, claims 17-20 are allowable for the reasons generally expressed above with respect to claim 16.

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholas in view of U.S. Patent No. 5,316,057 to Hasselmann (hereafter "Hasselmann"). Hasselmann discloses a vapor recovery system tester. Claim 21 has been amended to depend from claim 16. Applicant has already explained why Nicholas does not teach or suggest the elements of independent claim 16. Because claim 21, as amended, depends from claim 16, claim 21 is allowable for the reasons generally expressed above with respect to claim 16.

Appl. No.: 09/822,770  
Amdt dated: September 15, 2003  
Reply to Office Action of: May 13, 2003  
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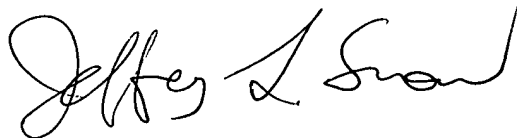
**Summary**

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections to the claims. Because all of the claims are believed to define over the prior art of record, Applicant respectfully requests an early indication of allowance.

A new dependent claim 22 has been added. New dependent claim 22 is supported by the specification and adds no new matter.

Enclosed is a petition for a one-month extension of time and check for the appropriate fee. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-1721.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey L. Snow". The signature is fluid and cursive, with the first name "Jeffrey" being the most prominent part.

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